IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1141 OF 2005
IN
SUMMARY SUIT NO.1079 OF 2004

National Education & Information Films Ltd.).. Plaintiffs

Versus

Basant H. Ahuja).. Defendant

Mr.N.V.Vimadalal i/b.Vimadalal & Co. for the Plaintiffs.

Mr.S.J.Khera for the Defendant.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 21ST NOVEMBER 2005

P.C.:

. This Chamber Summons has been filed for the following reliefs:-

(a) that the affidavit-in-reply to Summons for Judgment No.451 of 2004 of the Defendant be taken on record and the delay of 106 days in filing the same be condoned;

(b) that the Plaintiffs be ordered and directed to give the inspection of the documents and furnish the xerox copies

thereof to the Defendant as more particularly mentioned in the Schedule annexed to this Chamber Summons within such time as this Hon'ble Court may fix. On failure to furnish the inspection of the documents, the suit to be dismissed for want of prosecution;

(c) ad-interim and interim reliefs in terms of prayer clauses (a) & (b) above be granted;

(d) that cost of this Chamber Summons be provided for and

(e) that such other and further reliefs as the nature and circumstances of the case may require be granted.

2. Summons for Judgment has already been disposed of by order dated 8th September 2005 after taking on record the affidavit in reply to the Summons for Judgment as well as the rejoinder thereto. Therefore, prayer (a) does not survive.

3. Vide prayer (b), the Defendant seeks inspection of certain documents. The Defendant has also sought

dismissal of the Suit in case inspection of the documents is not furnished. In my view, this prayer has also become redundant in view of the fact that the Summons for Judgment has already been disposed of. Nothing, therefore, survives in the present Chamber Summons. However, in the event the Defendant requires inspection of documents for filing written statement, he may make an appropriate application.

4. Chamber Summons disposed of as infructuous.